

Message Text

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AMEMBASSY GABORONE

AMCONSUL JOHANNESBURG

AMEMBASSY LUSAKA

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E.O. 11652: N/A

TAGS: PINS, SF

SUBJECT: POLITICAL TRIALS IN SOUTH AERICA

1. A MARATHON SERIES OF POLITICAL TRIALS, WHICH BEGAN WITH THE SASO/BPC CASE IN EARLY 1975, IS CONTINUING TO TAKE PLACE IN SOUTH AFRICA. HERE FOLLOWS A SUMMARY OF TRIALS UNDER THE TERRORISM AND/OR SUPPRESSION OF COMMUNISM ACTS WHICH HAVE CONCLUDED RECENTLY OR ARE SCHEDULED TO BEGIN IN THE NEAR FUTURE.

2. PETRUS TSHABALALA WAS ACQUITTED ON MARCH 10 IN JOHANNESBURG'S RAND SUPREME COURT OF CHARGES UNDER THE TERRORISM ACT AND SUPPRESSION OF COMMUNISM ACT. THE STATE HAD ALLEGED THAT HE INCITED VARIOUS PERSONS TO LEAVE SOUTH AFRICA IN ORDER TO UNDERGO MILITARY TRAINING. TSHABALALA AND TWO OTHERS (WHO APPEARED AS STATE WITNESSES) WERE ARRESTED AT A BORDER
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POST BETWEEN BOTSWANA AND SOUTH AFRICA IN NOVEMBER 1975. DEFENSE

CONTENDED THAT WHAT MOTIVATED THEM TO LEAVE COUNTRY WAS BROADCASTS ON RADIO ZAMBIA. TSHABALALA HAS INSTITUTED SUIT AGAINST SA MINISTER OF JUSTICE FOR DAMAGES ARISING FROM ALLEGED ASSAULTS BY SECURITY POLICE DURING HIS DETENTION. ALL PERSONS DETAINED IN CONNECTION WITH THE CASE HAVE BEEN RELEASED.

3. CHRISTOPHER WEISMERS, JOHNNY RAMROCK AND WEIZMAN HAMILTON APPEARED IN THE RAND SUPREME COURT MARCH 15 ON CHARGES UNDER THE TERRORISM ACT AND SUPPRESSION OF COMMUNISM ACT. ALL ARE MEMBERS OF AFRO (GROUP OPPOSED TO COLORED REPRESENTATIVE COUNCIL ELECTIONS), AND WERE ARRESTED IN CONNECTION WITH CASE AGAINST BERNARD BLOEM (PRETORIA 905). STATE ANNOUNCED THAT CHARGES AGAINST THE THREE MEN WERE BEING WITHDRAWN AND JUSTICE STEYN ORDERED THEM RELEASED. WHEN THE MEN LEFT THE PRISONERS' DOCK THEY WERE IMMEDIATELY DETAINED BY SECURITY POLICE AND ARE NOW BEING HELD UNDER THE TERRORISM ACT.

4. SASO/BPC TRIAL IS CURRENTLY IN RECESS WHILE PRETORIA SUPREME COURT JUSTICE BOSHOF CONSIDERS DEFENSE APPLICATION FOR DISCHARGE ON VARIOUS COUNTS. HIS DECISION IS EXPECTED TO BE DELIVERED MARCH 23 (PRETORIA 826).

5. THE TRIAL OF SEVEN MEMBERS OF THE NATIONAL YOUTH ORGANIZATION (NAYO) IS CURRENTLY UNDER WAY IN JOHANNESBURG'S RAND SUPREME COURT. JOSEPH MOLOKENG, KGOTODUWA MOLOTSANE, PUMZA DYANTYI, SANNDILE MFENYANE, AMOS MASONDO, BHEKI LANGA AND DAVID NHLAPO ARE CHARGED UNDER THE TERRORISM ACT WITH CONSPIRING TO FORM UNDERGROUND CELLS IN ORDER TO PROMOTE REVOLUTION. THE DEFENDANTS WERE DETAINED BETWEEN JULY AND OCTOBER 1975 AND FIRST APPEARED IN COURT LAST NOVEMBER (75 PRETORIA 4533). CHARGE SHEET LISTS 46 ALLEGED ACCOMPLICES, INCLUDING PERSONS CURRENTLY IN DETENTION AND SOME WHO HAVE FLED COUNTRY. PATRICK MAISELA, WHO WAS ORIGINALLY CHARGED WITH THIS GROUP, IS NOW SCHEDULED TO APPEAR SEPARATELY AND WILL PROBABLY BE BROUGHT TO TRIAL UPON CONCLUSION OF THE NAYO CASE.

6. FIVE FORMER NUSAS LEADERS (KAREL TIP, GLENN MOSS, CEDRIC DE BEER, CHARLES NUPEN, AND EDWARD WEBSTER), ORIGINALLY DETAINED ON CHARGES UNDER THE SUPPRESSION OF COMMUNISM ACT (75 PRETORIA 4713), ARE SCHEDULED TO APPEAR IN THE RAND SUPREME

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COURT ON APRIL 1 ON CHARGES UNDER THAT ACT AND THE UNLAWFUL ORGANIZATIONS ACT. THE FIVE ARE ALLEGED TO HAVE ENGAGED IN A CONSPIRACY TO PROMOTE POLICIES OF THE SA COMMUNIST PARTY AND THE AFRICAN NATIONAL CONGRESS BY INITIATING CAMPAIGN FOR THE RELEASE OF POLITICAL PRISONERS, ENCOURAGING STUDENT ACTION TOWARD AN EGALITARIAN SOCIETY, ORGANIZING BLACK WORKER, ADVOCATING BLACK CONSCIOUSNESS, AND VARIOUS OTHER ACTS.

7. SADEQUE VARIAVE AND NOMSIZI KHUZWAYO ARE SCHEDULED TO APPEAR IN THE PRETORIA SUPREME COURT ON APRIL 2 ON TWO COUNTS UNDER THE TERRORISM ACT. VARIAVA WAS ORIGINALLY ONE OF THE SASO/BPC DEFENDANTS, BUT HIS TRIAL WAS SEPARATED WHEN INDICTMENT WAS REDRAWN IN JUNE 1975 (75 PRETORIA 2296). HE AND MRS. KHUZWAYO ARE CHARGED WITH PUBLISHING SEVERAL ARTICLES IN NEWSLETTER OF A NATAL THEATER GROUP AND PRODUCING SEVERAL PLAYS AND POEMS WHICH THE STATE WILL CONTEND ARE OF A NATURE TO BE CONSIDERED PUNISHABLE UNDER THE TERRORISM ACT.

8. IN NATAL, SECURITY POLICE INVESTIGATION OF 27 AFRICANS DETAINED UNDER THE TERRORISM ACT OVER THE PAST FOUR MONTHS REPORTEDLY HAS BEEN COMPLETED. THE CASE HAS BEEN FORWARDED TO THE ATTORNEY GENERAL OF NATAL FOR POSSIBLE PROSECUTION, BUT THERE HAS BEEN NO INDICATION OF HOW MANY OF THESE PEOPLE WILL ACTUALLY BE CHARGED OR WHEN TRIAL WILL TAKE PLACE.

9. COMMENT: THE SASO/BPC AND NUSAS CASES ARE CONSIDERED BY MANY TO BE AMONG THE MOST SIGNIFICANT POLITICAL TRIALS TO TAKE PLACE IN SOUTH AFRICA FOR AT LEAST THE PAST SEVERAL YEARS. BOTH COULD PROVE TO BE MUCH MORE THAN MERELY TRIALS OF INDIVIDUALS OR ORGANIZATIONS- JUDGMENTS DELIVERED IN THESE CASES SHOULD BE SIGNIFICANT IN DETERMINING THE PARAMETERS OF LEGITIMATE POLITICAL DISSENT IN THIS COUNTRY.
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